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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,230

04/28/2005

Lars Edman

4448-28

2143

23117

7590

02/27/2008

NIXON & VANDERHYE, PC

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ARLINGTON, VA 22203

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

02/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,230	EDMAN, LARS	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3-25-2005</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5, 6-7, 9-10 are rejected under 35 U.S.C 102(b) as being anticipated by Junky et al. (US PAT: 5,790,527, hereinafter Junky).

Regarding claim 1, Junky discloses a cellular mobile station (reads on 16a, fig. 2) comprising a first radio communication means (TDMA, figs. 1-2) interfacing a cellular network, operating one cellular frequency band, for transmitting and receiving calls through the network characterized by comprising: second communication means (FDMA, figs. 1-2) operating a different frequency band, separated from cellular frequency bands, for transmitting and receiving calls outside cellular network through direct connection between cellular mobiles stations (16a, 16b, fig. 2), a switching means in (18, fig. 2) between the first and second radio communication means for transmitting calls between cellular frequency bands and different frequency band upon a predetermined command, means in the radio communication means determining a carrier wave within a different frequency band for transmitting and receiving a transferred modulated call, and synchronizing means (not shown) for establishing a connection for calls over the carrier wave with another predetermined mobile station, thus extending call capacity (col. 1, line 10 – col. 4, line 21).

Regarding claim 6, Junky discloses a method in a cellular telephony system comprising at least two mobile stations (16a/16b, fig. 2), the mobile stations comprising a first radio communication means (TDMA, fig. 2) interfacing a cellular network, operating at least one cellular frequency band, for transmitting and receiving calls through the network, characterized by comprising the steps of: the mobile stations, each through a second communication means (FDMA), operating on a different frequency band separated from a cellular frequency bands, the second radio communication means transmitting and receiving calls outside cellular network through direct communication between at least two of the mobile stations, in the mobile stations switching between the first and second radio communication means for transmitting calls between cellular frequency bands and different frequency band upon a predetermined command, in the second radio communication means determining mutual carrier wave within the different frequency band for transmitting and receiving modulated call between at least two mobile stations 16a/16b, fig. 2), and synchronizing for establishing a connection for calls between at least mobile stations, thus extending the call capacity (col. 1, line 10 – col. 4, line 21).

Regarding claims 2, 4-5, 7, 9-10, Junky further teaches following: in the mobile network monitoring and controlling the switching means for direct communication between mobile stations (16a/16b, fig. 2) by the synchronizing means reading commands on the mobile network control channels (col. 3 lines 4-19), an ongoing speech call is directed to the network or direct communication through the switch through measurement of signal strength parameters, determining a direct

communication is based on cell information in a visitor location register of the network (col. 1, line 10 – col. 4, line 21).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junky in view of Raith (US2002/0102974A1).

Junky differs from claims 3 and 8 in that he does not teach: mobile station is utilized as a router that receives information and retransmits the same information based on address tag attached to packets of information.

However, Raith discloses method for mating a mobile terminal with a cordless phone system which teaches: mobile station (reads on base unit 204, fig. 1) is utilized as a router that receives information and retransmits the same information based on address tag attached to packets of information (paragraphs: 0016, 0026).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Junky's system to provide for the following: mobile station is utilized as a router that receives information and retransmits the same information based on address tag attached to packets of information as this arrangement would

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provide routing method for maintaining the call when call is switched between communication systems as taught by Raith.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--(6,865,372) to Mauney et al. discloses a wireless handset which may be embodied as full-featured handset that is capable of operating with in wireless network (such as a cellular or PCS network) or as direct handset-to-handset communication mode (figs. 2-3).

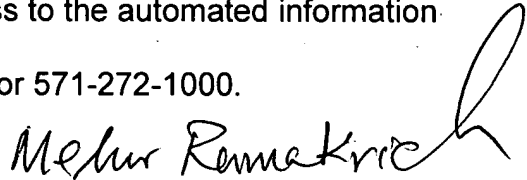
--(6,532,369) to Myer discloses a wireless communication technique that enables direct call set up and communication between wireless subscribers without involving network infrastructure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614